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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AFU-20

PATENT APPLICATION ✓

MICHAEL A. SERIO, ET AL.

Examiner: Basia Ridley

Application No. 09/902,425

Art Unit: 1764

Filed: July 10, 2001

PYROLYSIS PROCESSING FOR SOLID
WASTE RESOURCE RECOVERY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

This is in response to the Office Action mailed on March 19, 2004.

Provisional Election

Applicants hereby elect, *provisionally and with traverse*, the claims of Group II, i.e., Claims 10 through 17, for present examination. Applicants disagree that two distinct inventions are defined in the application, and hereby request reconsideration and withdrawal of the election/restriction requirement.

Argument

In deeming the claims of Group I to be drawn to an invention different from those of Group II, the Examiner asserts that the apparatus defined in Claims 10 through 17 can be used to practice another process that is materially different from that defined in Claims 1 through 9, "such as for production of electricity." The Examiner's premise refutes — rather than justifies — a basis for restriction.

Reference should be made initially to page 1 of the specification, at lines 14 through 17. Applicants point out there that a pyrolysis process (such as that of the invention) will be useful in at least four respects, one of which is "to supply fuel gases to fuel cells for power generation" (i.e., for production of electricity).

The process of Claims 1 through 9 is not specific to any application, other than "... for producing fuel gases ... using a two-stage reaction apparatus."

The apparatus of Claims 10 through 17 is also not specific to any application, being directed to a power generation system that expressly requires "... two-stage reaction apparatus ... constructed for effecting a process comprising the [following] steps ..." those steps being the very ones that are recited in process Claim 1.

The production of electricity is one of the several purposes for which *both* the method *and also* the system of the invention can be used; the method claims do not exclude any process (materially different, or otherwise) for which the claimed apparatus can be used, and *vice versa*. Thus, the claims of Groups I and II are entirely parallel, and no distinction exists that would warrant or justify restriction under the Rules of Practice.

It is respectfully submitted that the election/restriction requirement was imposed in error, and withdrawal thereof is clearly in order. Such action is earnestly solicited.

Respectfully submitted,
MICHAEL A. SERIO, ET AL.

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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth on the first page hereof, on June 10, 2004.

A handwritten signature, appearing to be "Ira S. Dorman", is written over a horizontal line.